



06-09-05

JFW \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Richard L. Watson	ATTY DKT NO. 80191.00033
SERIAL NO. 10/619,326	GROUP ART UNIT: 3739
FILED: July 14, 2003	EXAMINER: Cohen, Lee S.
TITLE: Noninvasive, Intrauterine Fetal ECG Strip Electrode	
TO: Mail Stop Amendment Commissioner of Patents and Trademarks P.O. Box 1450 Alexandria, VA 22313-1450	

RESPONSE TO NON-FINAL OFFICE ACTION
DATED FEBRUARY 8, 2005

Dear Sir:

This correspondence is being filed as a full response to the Office Action of February 8, 2005. The Applicant herewith petitions the Commissioner of Patents and Trademarks to extend the time for response to this Office Action for one (1) month from May 8, 2005 to June 8, 2005. Also enclosed is a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent. Submitted herewith is a check for \$115.00 for the cost of the extension and the Terminal Disclaimer fee. Any deficiency or overpayment should be charged or credited to our deposit account number 502248.

The Examiner has rejected Claims 16-33 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,594,515. The Examiner has acknowledged that the claims are not identical, but asserts that

06/13/2005 SLUHM61 00000001 502248 10619326

01 FC:2251 10.00 DA 50.00 DP

they are not patently distinct from each other. The Examiner has further acknowledged that a terminal disclaimer will overcome these rejections.

Therefore, in conjunction with this Response, Applicant has filed a terminal disclaimer pursuant to 37 CFR 1.321.

In view of the above, it is submitted that the remaining claims are in a condition for allowance. Reconsideration and withdrawal of the rejections is hereby requested. Allowance of the pending claims at an early date is solicited.

If impediments to allowance of the pending claims remain, and a telephone conference between the undersigned and the examiner would help remove such impediments in the opinion of the examiner, a telephone conference is respectfully requested.

Respectfully submitted,

LOEFFLER TUGGEY PAUERSTEIN ROSENTHAL L.L.P.
755 East Mulberry Avenue, Suite 200
San Antonio, TX 78212
(210) 244-8858 (telephone)
(210) 354-4034 (facsimile)
cwhite@loefflerllp.com (e-mail)

By:



Cline H. White, Reg. No. 45,213

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner of Patents and Trademarks, Alexandria, VA 22313", as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
[] With sufficient postage as First Class Mail. Date: _____, 20____	[X] As "Express Mail Post Office to Addressee", Mailing Label No. EV714373559US. Date: JUNE 6, 2005


Signature of Person Mailing Paper or Fee


Printed Name of Person Mailing Paper or Fee